

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**LOCAL 703, I.B. OF T. GROCERY)
AND FOOD EMPLOYEES)
WELFARE FUND, DISTRICT NO.)
9; I.A. OF M. & A.W. PENSION)
TRUST; and EMPLOYEES')
RETIREMENT SYSTEM OF THE)
GOVERNMENT OF THE VIRGIN)
ISLANDS, Individually and on)
Behalf of All Others Similarly)
Situated,)**

Plaintiffs,

Case No. 2:10-cv-02847-IPJ

v.

**REGIONS FINANCIAL)
CORPORATION, C. DOWD)
RITTER, IRENE M. ESTEVES, and)
ALTON E. YOTHER,)**

Defendants.

JOINT MOTION TO MODIFY SELECT DEADLINES

Lead Plaintiffs District No. 9, I.A. of M. & A.W. Pension Trust and Employees' Retirement System of the Government of the Virgin Islands ("Lead Plaintiffs") and Defendants Regions Financial Corporation, C. Dowd Ritter, Irene M. Esteves, and Alton E. Yother (collectively, "Defendants") (collectively, the "Parties") hereby jointly move the Court to modify one deadline set in the Court's September 26, 2011 Scheduling Order (Doc. 75), and complete one deposition

after the close of fact discovery. Specifically, the Parties move the Court to: (1) continue the deadline for the Parties to supplement their discovery responses pursuant to Rule 26(e) from August 20, 2012, to October 9, 2012; and (2) permit the deposition of Defendant Irene M. Esteves to be taken on September 28, 2012, eight (8) days after the close of fact discovery. In support of their motion, the Parties state the following:

1. This Court entered the current Scheduling Order (Doc. 75) on September 26, 2011. Since that time, the Parties have worked diligently to complete discovery.

2. The current deadline for the Parties to supplement their discovery responses is August 20, 2012. *See* Doc. 75, ¶ 4. The close of fact discovery is currently set for September 20, 2012, and several depositions are scheduled to take place between August 20 and September 20, 2012. The current August 20 deadline would thus likely require that the Parties would need to serve multiple supplements to their discovery responses. In order to avoid duplicative work and the waste of the Parties' resources, the Parties request that the deadline for Rule 26(e) supplementation be moved to October 9, 2012.

3. No party to this lawsuit would be prejudiced by enlarging the time for the Parties to supplement their discovery responses, and moving this deadline would not delay any other aspect of the case.

4. In an effort to complete fact discovery, the Parties have already scheduled numerous depositions between the beginning of August and the close of fact discovery on September 20, 2012 (August 6, 7, 8, 14, 15, 16, 20, 29; September 5, 6, 7, 10, 11, 12, 13, 14, 19, 20). Numerous other depositions have already been completed and some depositions are out of state (Florida, Georgia and Tennessee). The Esteves deposition will be in New York. Despite a good faith effort, the Parties have not been able to coordinate their schedules and the witness's to allow a time for Defendant Irene Esteves's deposition before September 20, 2012. Ms. Esteves currently serves as the CFO for Time Warner in New York and extensive efforts have been made to coordinate her schedule with that of counsel for Plaintiffs and Defendants. The Parties, therefore, respectfully request the Court's leave to conduct this deposition on September 28, 2012.

5. No party would be prejudiced by the brief enlargement of time to complete this single deposition. Moreover, allowing this deposition eight (8) days after the fact discovery cutoff would not delay any aspect or other deadline of this case.

WHEREFORE, the Parties respectfully request that the Court enter an Order continuing the deadline for the Parties to supplement their discovery responses pursuant to Rule 26(e) to October 9, 2012 and permitting the deposition of Irene Esteves on September 28, 2012.

Respectfully submitted on August 9, 2012,

/s/ Victor L. Hayslip

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CERTIFICATE OF SERVICE

I hereby certify that, on this the 9th day of August, 2012, I filed a copy of the foregoing using the Court's CM/ECF system, which will automatically serve a copy of the foregoing on all counsel of record.

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